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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,914	07/30/2003	Ronald S. Lesniak	034297-000052	9610

7590

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EXAMINER

HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

## Application No.

10/631,914

## Applicant(s)

LESNIAK ET AL.

## Examiner

Jefferey F Harold

## Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. ***Claims 1-19*** are rejected under 35 U.S.C. 102(b) as being anticipated by Hoashi et al. (United States Patent 5,870,684), hereinafter referenced as Hoashi.

Regarding **claim 1**, Hoashi discloses a radio communication apparatus with adjustable alert tone. In addition, Hoashi discloses a telephone, comprising: a ring detect circuit operable to detect electric ring signals received by tip and ring terminals of the telephone; a microprocessor configured to receive notification that electric ring signals have been detected by said ring detect circuit, and a ringer option switch having a crescendo setting that signals the microprocessor to generate linger control signals, as disclosed at column 3, line 21 through column 4, line 36 and exhibited in figures 3 and 4.

Regarding **claim 2**, Hoashi discloses everything claimed as applied above (see claim 1), in addition Hoashi discloses an audible ring generator configured to receive the ringer control signals and provide a succession of audible ring signals, wherein at least one audible ring signal in the succession of audible ring signals has a volume that is higher than a volume of a preceding audible ring signal in the succession when the

ringer option switch is set at the crescendo setting, as disclosed at column 3, line 21 through column 4, line 36 and exhibited in figures 3 and 4.

Regarding **claim 3**, Hoashi discloses everything claimed as applied above (see claim 2), in addition Hoashi discloses wherein the audible ring generator comprises a speaker, as disclosed at column 3, line 21 through column 4, line 36 and exhibited in figures 3 and 4.

Regarding **claim 4**, Hoashi discloses everything claimed as applied above (see claim 1), in addition Hoashi discloses an inherent CODEC configured to receive a sequence of ringer control signals from said microprocessor and provide a corresponding sequence of signals for producing a corresponding sequence of audible ring signals, wherein at least one audible ring signal in the sequence of audible ring signals has a volume that is higher than a volume of a preceding audible ring signal in the sequence when the ringer option switch is set at the crescendo setting, as disclosed at column 3, line 21 through column 4, line 36 and exhibited in figures 3 and 4.

Regarding **claim 5**, Hoashi discloses everything claimed as applied above (see claim 1), in addition Hoashi discloses an audible ring generator configured to receive the ringer control signals and provide a succession of audible ring signals, a first audible ring signal of the succession having a minimum volume and subsequent audible ring signals of the succession having increasing volume levels, as disclosed at column 3, line 21 through column 4, line 36 and exhibited in figures 3 and 4.

Regarding **claim 6**, Hoashi discloses a ring detect circuit operable to detect electric ring signals received by tip and ring terminals of the telephone; a

microprocessor configured to receive notification that electric ring signals have been detected by said ring detect circuit, and crescendo setting means for signaling the microprocessor to generate a succession of ringer control signals corresponding to the detected electric ring signals, wherein a first ringer control signal of the succession is used to generate a first audible ring signal having first volume and subsequent ringer control signals of the succession are used to generate corresponding audible ring signals of increasing volume levels, as disclosed at column 3, line 21 through column 4, line 36 and exhibited in figures 3 and 4.

Regarding **claim 7**, Hoashi discloses a telephone comprising: a ring detect circuit operable to detect electric ring signals received by tip and ring terminal of the telephone; a microprocessor configured to receive notification that electric ring signals have been detected by said ring detect circuit, a displayable menu system in communication with said microprocessor, the menu system having a menu key, which when activated provides a user with one or more ringer options, including a crescendo ringing option, and an audible ringer device controlled by said microprocessor, said audible ringer device, upon the telephone's receipt of an incoming call, operable to generate a first audible ring signal having first volume followed by a succession of subsequent audible ring signals of increasing volume levels, as disclosed at column 3, line 21 through column 4, line 36; column 6, lines 1-9 and exhibited in figures 3 and 4.

Regarding **claim 8**, Hoashi discloses a telephone ringer apparatus, comprising: an electronic telephone tone ringer configured to be coupled between tip and ring terminals of a telephone, a ringer option switch coupled to said tone ringer having

audible ring signal volume settings and a crescendo setting; an audible ring signal volume controller coupled to said ringer option switch; and an audible ring generating device, as disclosed at column 3, line 21 through column 4, line 36; column 6, lines 1-9 and exhibited in figures 3 and 4.

Regarding **claim 9**, Hoashi discloses everything claimed as applied above (see claim 8), in addition, Hoashi discloses a ring counter coupled to said audible ring signal volume control operable to count the number of ring signals associated with an incoming telephone call, as disclosed at column 3, line 21 through column 4, line 36 and exhibited in figures 3 and 4.

Regarding **claim 10**, Hoashi discloses everything claimed as applied above (see claim 9), in addition, Hoashi discloses an audible ring signal generating device coupled to the audible signal volume controller, the audible ring signal generating device operable to generate a first audible ring signal corresponding to a first electric ring signal of the incoming call and subsequent audible ring signals of increasing volume corresponding to subsequent electric ring signals of the incoming call, as disclosed at column 3, line 21 through column 4, line 36 and exhibited in figures 3 and 4.

Regarding **claims 11-19**, they are interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-10.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F Harold whose telephone number is 703-306-5836. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH  
September 30, 2004

Jefferey F Harold  
Examiner  
Art Unit 2644